

March 4, 2016

**Pathology Organizations Statement Opposing the New York Regulation Prohibiting
Pathologists
From Responding to Patient Inquiries**

We, the undersigned pathology organizations, believe that pathologists, as physicians, should be able to exercise medical judgment in responding to patient inquiries regarding pathology/laboratory test results and should not be legally constrained by the State of New York, in the discharge of ethical and legal obligations to their patients.

No other state has any such regulation constraining pathologists from conferring with patients. Moreover, no other physician medical specialty in New York, or in the Nation, is prohibited from answering patient questions. Thus, the legal impediment presented by the New York regulation is an unjustifiable and grossly improper intrusion of the State into the physician practice of medicine by pathologists. Moreover, both medical quality and patient empowerment in medical decision-making is deleteriously impacted by the regulation. This impact is especially in conflict with changes in federal law allowing patients to access pathology and laboratory test results directly from the laboratory.

The regulation in New York is archaic and egregiously inconsistent with modern trends in medical practice, including the most recent recommendations of the Institute of Medicine, which encourage both physicians and patients to engage each other in furthering the understanding of a diagnostic test result. Furthermore, for those patients with serious illnesses or immediate medical jeopardy as identified by a test result, pathologist-patient communication can be objectively imperative, or from the pathologist perspective, otherwise a matter of medical necessity for the patient's physical or mental benefit.

For these many reasons, we urge repeal of the regulation as quickly as possible.

Association for Molecular Pathology

American Pathology Foundation

American Society of Cytopathology

American Society for Clinical Pathology

College of American Pathologists

National Association of Medical Examiners